



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/727,677

12/04/2003

Yan Liu

R74.12-0001

8475

27367 7590 03/21/2008
WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

EXAMINER

APANIUS, MICHAEL

ART UNIT

PAPER NUMBER

3736

MAIL DATE

DELIVERY MODE

03/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/727,677	Applicant(s) LIU ET AL.	
	Examiner Michael Apanius	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10,15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendments to claims 1-6, 8-10, 15 and 16, the specification and the abstract are acknowledged.

Inventorship

2. The request to correct the inventorship of this non-provisional application under 37 CFR 1.48(a) filed on 6/14/2007 is deficient because it lacks the required fee under 37 CFR 1.17(i).

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the another end of the series-parallel circuit being connected with a GND end of the D trigger as set forth in claims 4 and 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

4. The drawings are further objected to because it appears that "1" in figures 3A, 3B, 5A and 5B should be --11--.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

Art Unit: 3736

number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities. At page 5 of the marked-up copy of the replacement specification, it is unclear why the applicant amended the brief descriptions of figures 7C and 7D to recite that the figures show the kind of electrode configurations shown in figure 7A and 7B, respectively. Furthermore, at page 9 of the marked-up copy replacement specification, it is unclear why the description of figures 7C and 7D was deleted. Appropriate correction is required.

Claim Objections

7. Claims 4, 9 and 15 are objected to because of the following informalities:

Art Unit: 3736

- a. At claim 4, line 4, it appears that “the another end” should be --another end--.
- b. At claim 9, lines 5-6, it appears that “a series-wound circuit comprising a resistor (Ra) and a body impedance (Rm),” should be deleted because this limitation has been previously recited in claim 9.
- c. At claim 15, lines 1-2, it appears that “wherein: including” should be amended to specifically recite what element includes the following limitations.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-6, 8-10, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. At claim 1, line 3, “the method” lacks proper antecedent basis in the claim because two methods have been previously recited “the method” alone does not properly distinguish between the two previously recited methods.

11. At claim 1, line 11, “said method” lacks proper antecedent basis in the claim because two methods have been previously recited “said method” alone does not properly distinguish between the two previously recited methods.

12. At claim 1, line 11, “the display” lacks proper antecedent basis in the claim.

Art Unit: 3736

13. At claim 1, lines 13-14, "providing body weight signals from the weighing signal processing circuit as frequency signals" is recited. The scope of "frequency signals" is unclear as recited in the claim. The original specification does not appear to provide any sort of description or definition as to what is meant by a frequency signal.

Furthermore, a frequency signal does not appear to be a common term in the art.

14. At claim 3, lines 2-3, "the another inverter" appears to lack proper antecedent basis. In addition, it appears that at claim 3, line 5, --the-- should be inserted before "another inverter".

15. At claim 6, lines 10-13, "the electrode plates form electrodes for measuring body impedance of a person standing thereon and being connected with said positive feedback RC oscillator circuit to provide an only impedance signal to said positive feedback RC oscillator circuit." Applicant previously stated on page 17, lines 17-18 of the response filed on 4/2/2007, "the electrodes of claim 6 provide an impedance signal only, and not a voltage signal or any current signal as such." In order to measure bioelectrical impedance, a voltage or current signal is required. Therefore, it is unclear what is encompassed by "an only impedance signal" as recited in claim 6, if the only impedance signal is not a voltage or current signal.

16. At claim 8, lines 7-8, "ends of the series circuit are connected with an input end and the output end of the one inverter" is recited. However, figure 10 shows the series wound circuit connected with an input end and the output end of the *another* inverter. Therefore, it is unclear if the first recitation of "the one inverter" in line 8 of the claim should be --the another inverter--.

Art Unit: 3736

17. Claim 16, lines 1-2 states, "said display unit includes an infrared emitter comprising an infrared signal transmitting circuit". This language is unclear because it appears that the display unit includes an infrared signal transmitting circuit (figure 15) which in turn includes an infrared emitter (33). See the portion of the specification describing figure 15 on page 11 of the marked-up copy of the substitute specification. Since the claim language appears to be inconsistent with the specification, the claim is indefinite.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Apanius whose telephone number is (571)272-5537. The examiner can normally be reached on Mon-Fri 9am-5:30pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3736

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736